

**ORDINANCE** 122446

AN ORDINANCE relating to the regulation of solid waste; amending and repealing sections of Chapters 21.36 and 21.44 of the Seattle Municipal Code.

WHEREAS, the Seattle-King County Board of Health and Title 10 of the Board's Health Code govern certain solid waste activities in Seattle and King County; and

WHEREAS, the State Department of Ecology adopted new Solid Waste Handling Standards in 2003, Washington Administrative Code (WAC) Chapter 173-350, and the Seattle-King County Board of Health approved changes to its Solid Waste Regulations in November 2004, Title 10 of the Board of Health Code, adopting WAC Chapter 173-350 in its entirety; and

WHEREAS the City of Seattle desires to amend the Seattle Municipal Code so that its provisions governing solid waste are consistent with Title 10 of the Seattle-King County Board of Health Code, as revised, and WAC Chapter 173-350; NOW, THEREFORE,

**BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

**Section 1.** Section 21.36.010 of the Seattle Municipal Code is amended as follows:

**21.36.010 Definitions A – B**

\* \* \* \* \*

9. "Beneficial Use" means the use of solid waste as an ingredient in a manufacturing process, or as an effective substitute for natural or commercial products in a manner that does not pose a threat to human health or the environment. Avoidance of processing or disposal cost alone does not constitute beneficial use. In accordance with the City's Administrative Code, Seattle Municipal Code Chapter 3.02, and Seattle Municipal Code Section 3.32.020, the Director of Seattle Public Utilities shall adopt rules designating those uses of solid waste that constitute beneficial use.



1           ((9)) 10. "Boarding or rooming house" means a building other than a hotel, where  
2 meals and room, or rooms only, are provided for compensation for nine (9) or more  
3 nontransient persons.

4           ((10)) 11. "Bulky waste" means cartons, boxes, crates, etc, or other MSW materials set  
5 out for disposal as overflow to a customer's regular can, cart or detachable collection  
6 service.  
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8           ((11)) 12. "Bundle" means one(1) box or carton empty or filled with solid waste, one  
9 (1) bag filled with solid waste, or bundle of solid waste, securely bundled so that none of the  
10 material blows about and so it is not easily broken apart and which is of such size that the  
11 longest dimension does not exceed three (3) feet, the volume does not exceed six (6) cubic  
12 feet and the total weight does not exceed sixty (60) pounds, and is in good condition for  
13 handling at the time of collection. The box, bag or carton, if present, must be disposable.  
14

15           ((12)) 13. "Bundle -of- yardwaste" means "yardwaste" defined in Section 21.36.016  
16 that is placed in a container or securely tied so that none of the material blows away or falls  
17 out upon lifting and so that it is not easily broken apart. Its longest dimension may not  
18 exceed four (4) feet in length; its diameter may not be over two (2) feet; and its weight may  
19 not exceed sixty (60) pounds.  
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21           **Section 2.** Section 21.36.012 of the Seattle Municipal Code is amended as follows:  
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23           **21.36.012 Definitions C – E**

24                           \* \* \* \* \*



1           5. "City's Waste" means all residential and non residential solid waste generated within  
2 the City, excluding Unacceptable Waste, Special Waste, and materials destined for recycling  
3 or beneficial use, which materials shall contain no more than ten (10) percent non-recyclable  
4 or non-beneficially used material, by volume. City's waste includes all such waste,  
5 regardless of which private or public entity collects or transports the waste. City's Waste  
6 includes all waste remaining after recycling or beneficial use.

8                               \* \* \* \* \*

9           12. "Composting" means the ~~((controlled degradation of organic waste yielding a~~  
10 ~~product for use as a soil conditioner))~~biological degradation and transformation of organic  
11 solid waste under controlled conditions designed to promote aerobic decomposition. Natural  
12 decay of organic solid waste under uncontrolled conditions is not composting.

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15           13. "Construction, Demolition and Landclearing Waste" or "CDL Waste" means ~~((waste~~  
16 ~~comprised primarily of the following materials))~~ any combination of recyclable or  
17 nonrecyclable construction, demolition and landclearing waste that results from construction,  
18 remodeling, repair or demolition of buildings, roads or other structures, or from landclearing  
19 for development, and requires removal from the site of construction, demolition or  
20 landclearing.

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23           a. Construction waste: ~~((waste from building construction such as scraps of wood,~~  
24 ~~concrete, masonry, roofing, siding, structural metal, wire, fiberglass insulation,~~  
25 ~~other building materials, plastics, styrofoam, twine, baling and strapping~~



1 ~~materials, cans and buckets, and other packaging materials and containers.))~~

2 means wood, concrete, drywall, masonry, roofing, siding, structural metal, wire  
3 insulation and other building material; and plastics, styrofoam, twine, baling and  
4 strapping materials, cans, buckets, and other packaging materials and containers.

5 It also includes sand, rocks and dirt that are used in construction. In no event shall  
6 construction waste include dangerous or extremely hazardous waste of any kind,  
7 garbage, sewerage waste, animal carcasses or asbestos.

- 8  
9 b. Demolition Waste: ~~((solid waste, largely inert waste, resulting from the~~  
10 ~~demolition or razing of buildings, roads and other man-made structures.~~

11 ~~Demolition waste consists of, but is not limited, concrete, brick, bituminous~~  
12 ~~concrete, wood and masonry, composition roofing and roofing paper, steel, and~~  
13 ~~minor amounts of metals like copper. Plaster (i.e. sheet rock or plaster board) or~~  
14 ~~any other material, other than wood, that is likely to produce gases or leachate~~  
15 ~~during its decomposition process and asbestos wastes are not considered to be~~  
16 ~~demolition wastes.))~~ means concrete, drywall, asphalt, wood, masonry, roofing  
17 (including composition roofing), siding, structural metal, wire, insulation and  
18 other materials found in demolished buildings, roads and other structures. It also  
19 includes sand, rocks and dirt that result from demolition. In no event shall  
20 demolition waste include dangerous or extremely hazardous waste, liquid waste,  
21 garbage, sewerage waste, animal carcasses or asbestos.  
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1 c. Landclearing waste: (~~((natural vegetation and minerals from clearing and grubbing~~  
2 ~~land for development, such as stumps, brush, blackberry vines, tree branches, tree~~  
3 ~~bark, mud, dirt, sod and rocks))~~ means natural vegetation and minerals, such as  
4 stumps, brush, blackberry vines, tree branches, and associated dirt, sand, tree bark,  
5 sod and rocks.

6 \* \* \* \* \*

7  
8 25. "Energy Recovery" means (~~((a process operating under federal and state~~  
9 ~~environmental laws and regulations for converting solid waste into usable energy and for~~  
10 ~~reducing the volume of solid waste))~~ the recovery of energy in a useable form from mass  
11 burning or refuse-derived fuel incineration, pyrolysis or any other means of using the heat of  
12 combustion of solid waste that involves high temperature (above twelve hundred degrees  
13 Fahrenheit) processing.

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17 **Section 3.** Section 21.36.016 of the Seattle Municipal Code is amended as follows:

18 **21.36.016 Definitions R – Z**

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20 12. "Solid Waste" means all putrescible and nonputrescible solid and semisolid waste,  
21 including but not limited to garbage, rubbish, yardwaste, ashes, industrial wastes, infectious  
22 wastes, swill, (~~((demolition and construction wastes))~~)construction, demolition and  
23 landclearing wastes, abandoned vehicles or parts thereof, and recyclable materials. This  
24 includes all liquid, solid and semisolid materials which are not the primary products of  
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public, private, industrial, commercial, mining and agricultural operations. Solid waste includes but is not limited to sludge from wastewater waste, and problem wastes. ~~((as well as other materials and substances that may in the future be included in the definition of "solid waste" in RCW 70.95.030. Solid waste does not include recyclable materials (including compostable waste) collected from commercial establishments.))~~

**Section 4.** Section 21.36.085 of the Seattle Municipal Code is amended by adding a new Subsection C as follows:

**21.36.085 Yardwaste Programs**

\* \* \* \* \*

C. Plastic Bags and Yardwaste. Yardwaste shall not be setout at the curb for collection in plastic bags nor shall plastic bags containing yardwaste be deposited in transfer station yardwaste collection areas or transfer trailers.

**Section 5.** Section 21.36.096 of the Seattle Municipal Code is repealed as follows:

~~((21.36.096 Waste Screening~~

~~A. Dangerous Waste The Health Officer may screen any wastes that are being disposed and that are suspected of being a regulated dangerous waste. The screening process may involve certified testing, a disclosure of the waste constituents and waste generation process, and other additional information. If the Health Officer determines that the waste is not a regulated dangerous waste but still poses a significant threat to the public health, safety or the environment, he/she may direct the generator or transporter to~~

1 ~~dispose of the waste at a specific type of disposal site. If the Health Officer determines~~  
2 ~~that the waste is a regulated dangerous waste, he/she shall notify the Department of~~  
3 ~~Ecology which shall have full jurisdiction regarding handling and disposal. The~~  
4 ~~Dangerous Waste Regulations, WAC 173-303, shall be considered when screening and~~  
5 ~~making waste determinations.~~

6  
7 ~~B. Disposal Sites. If during inspections of waste the Health Officer observes waste~~  
8 ~~suspected of being regulated dangerous waste because of physical properties of the waste,~~  
9 ~~he/she shall have the authority to require the site operator to segregate the and hold any~~  
10 ~~such waste. If the Health Officer determines that testing is required to identify the waste,~~  
11 ~~the generator shall be responsible for such analysis, and if the generator is not known, the~~  
12 ~~site operator shall be responsible for funding such analysis. The disposal site operator~~  
13 ~~and/or attendants shall have similar authority not to accept suspect wastes.~~

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15 ~~C. Procedures—When such wastes are identified as being suspect dangerous wastes, the~~  
16 ~~Health Officer may issue a notice for requirement of screening. This notice will specify~~  
17 ~~requirements which must be met to satisfy the screening process and a schedule for~~  
18 ~~compliance.))~~

19  
20 **Section 6.** Section 21.36.180 of the Seattle Municipal Code is repealed as follows:

21 **~~((21.36.180 Incineration and Energy Recovery Facilities~~**

22 ~~Incineration and energy recovery facilities shall be permitted and managed according to~~  
23 ~~the provisions of the Seattle Municipal Code Chapter 21.44. In addition, the following~~  
24 ~~requirements shall apply:~~



1       ~~A. Disposal of Process Water. All water from an incinerator or energy recovery facility~~  
2       ~~shall be discharged into a disposal system approved by the Health Officer and Metro.~~

3       ~~The treated discharge water shall not violate applicable water quality standards.~~

4       ~~B. Pre Use Inspection and Performance Test. Upon completion of the facility and prior to~~  
5       ~~initial operation, the Health Officer and Puget Sound Pollution Control Agency~~  
6       ~~(PSAPCA) shall be notified. The Health Officer shall inspect the facility both prior to~~  
7       ~~and during the performance tests. A report covering the results of the performance test~~  
8       ~~will all supporting data shall be certified by the design engineer of the project and~~  
9       ~~submitted to the Health Officer.~~

10       ~~C. Failure to meet Standards. The Health Officer shall have the authority to close down an~~  
11       ~~incinerator or energy recovery facility that does not meet all applicable federal, state~~  
12       ~~and PSAPCA standards.))~~

13       Section 7. Section 21.36.185 of the Seattle Municipal Code is repealed as follows:

14       ~~((21.36.185 Commercial Composting Facilities~~

15       ~~Commercial composting facilities shall be permitted and managed according to the~~  
16       ~~provisions of the Seattle Municipal Code Chapter 21.44 for recycling facilities. In~~  
17       ~~addition, the following requirements shall apply:~~

18       ~~A. Generators of compost for retail sales shall submit chemical analyses and reports to the~~  
19       ~~Health Officer in sufficient frequency to demonstrate that the resulting product does not~~  
20       ~~contain levels of chemicals or pathogens that could create a risk to the public health.~~

1 ~~B. If levels of chemicals or pathogens are found which could create a risk to the public~~  
2 ~~health, the Health Officer may prohibit or restrict use of the product. Written notices~~  
3 ~~shall be provided to the compost user of any restrictions imposed.~~

4 ~~C. Generators of sewage sludge compost must follow the methods and procedures~~  
5 ~~established in the Best Management Practices for Use of Municipal Sewage Sludge,~~  
6 ~~developed by the Washington State Department of Ecology.~~

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8 ~~D. Odorous material such as spoiled foods, blood and slaughterhouse wastes shall be~~  
9 ~~immediately processed to prevent odors.~~

10 ~~E. The composted material shall contain no sharp particles which would cause injury to~~  
11 ~~persons handling the compost.))~~

12  
13 **Section 8.** Section 21.36.190 of the Seattle Municipal Code is repealed as follows:

14 **((~~21.36.190 Abandoned Landfills~~**

15 ~~A. All abandoned landfills shall be maintained by the owner and/or operator so as not to~~  
16 ~~create a risk to the public health. The Health Officer shall have the authority to~~  
17 ~~perform methane monitoring, surface water, groundwater and leachate monitoring, and~~  
18 ~~to monitor for any other environmental conditions at abandoned landfills.~~

19  
20 ~~B. The Health Officer may order the owner and/or operator to perform monitoring or any~~  
21 ~~remedial measures necessary to protect the public health and the environment. Any~~  
22 ~~person aggrieved by any order issued under this section may appeal the order to the~~  
23 ~~Seattle Board of Health, by requesting in writing an appeal hearing before the Board of~~  
24 ~~Health, or its designee. The request shall be filed within ten (10) days of the service of~~  
25



1       ~~the order, and shall briefly state the reasons for the appeal. Enforcement of the order~~  
2       ~~shall be staged during the pendency of the appeal.))~~

3       **Section 9.** Section 21.44.010 of the Seattle Municipal Code is amended as follows:

4       **21.44.010 Standards for Solid Waste Handling**

5       All solid waste handling activities in the City of Seattle that are regulated by ((shall  
6       ~~comply with the State Minimum Functional Standards for Solid Waste Handling, WAC 173-~~  
7       ~~304 (as promulgated through May, 1989), which is hereby adopted by reference))~~ Title 10 of  
8       the Board of Health Code, adopted by the Seattle-King County Board of Health, as may  
9       hereafter be amended, shall comply with that Code and be subject to its associated  
10       enforcement provisions.

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12  
13       **Section 10.** Sections 21.44.020 through 21.44.090 of the Seattle Municipal Code are  
14       repealed as follows:

15       **((21.44.020 Permits Required**

16       ~~In accordance with RCW Chapter 70.95, and WAC 173 304 600, a permit is required for all~~  
17       ~~solid waste handling facilities subject to the requirements of WAC 173 304 130, and 173~~  
18       ~~304 400. The owner or operator of the solid waste handling facility is responsible for~~  
19       ~~obtaining the permit, which must be renewed annually, from the Seattle King County~~  
20       ~~Department of Public Health. Applications for a permit must contain all the information set~~  
21       ~~forth in WAC 173 304 600 (3).~~

22       **21.44.030 Nonconforming facilities**



1 ~~A nonconforming permit may be issued for solid waste handling facilities existing on or~~  
2 ~~before November 27, 1985 which do not meet all of the pertinent requirements of the State~~  
3 ~~Minimum Functional Standards for Solid Waste Handling, but which will be upgraded to~~  
4 ~~meet such requirements according to a compliance schedule approved by the Health~~  
5 ~~Officer, provided that the compliance schedule shall ensure that these facilities meet the~~  
6 ~~deadlines contained in WAC 173-304-400 (3).~~

#### 8 **21.44.040 Special Permits**

9 ~~A. If a disposal site and/or operation utilize a new method of solid waste handling or~~  
10 ~~disposal not otherwise provided for in the State Minimum Functional Standards, a~~  
11 ~~"special purposes facilities" permit may be issued.~~

12  
13 ~~B. The Health Officer shall determine which items of the Minimum Functional Standards~~  
14 ~~shall apply to the disposal site on a case by case basis so as to protect the public health~~  
15 ~~and the environment and to avoid the creation of nuisances. The terms and conditions~~  
16 ~~of the special permit shall be itemized in writing by the Health Officer.~~

#### 18 **21.44.050 Fees**

19 ~~A. Permit application/Plan Review Fees. Permit applications to maintain, operate, alter,~~  
20 ~~expand or improve a solid waste handling facility in the City, shall be made on forms~~  
21 ~~provided by the Seattle King County Department of Public Health, and shall be~~  
22 ~~accompanied by a nonrefundable fee, as follows:~~

23  
24 ~~1. Municipal and construction,~~



- ~~1. Municipal and construction land clearing (CDL) landfills Six Hundred Dollars (\$600.00),  
plus Ten Dollars (\$10.00) for each acre of landfill site, resulting in a total fee not to  
exceed One Thousand Dollars (\$1,000).~~
- ~~2. Inert Landfill Two Hundred Dollars (\$200)~~
- ~~3. Energy Recovery And Incineration Five Hundred Fifty Dollars (\$550)~~
- ~~4. Recycling Commercial
  - ~~a. Noncontainerized Composting One Hundred dollars (\$100.00) plus Fifteen  
Dollars (\$15) per acre, resulting in a fee not to exceed One Thousand Dollars  
(\$1,000).~~
  - ~~b. Waste Pile Recycling Two Hundred Dollars (\$200.00)~~
  - ~~c. Solid Waste Treatment site One Hundred Dollars (\$100.00)~~~~
- ~~5. Transfer Station Two Hundred Twenty Dollars (\$220.00)~~
- ~~6. Special Purpose Facility Three Hundred Dollars (\$300.00)~~
- ~~7. Closed Landfill, plan review Five Hundred Fifty Dollars (\$550.00)~~
- ~~8. Drop Box One Hundred Ten Dollars (\$110.00)~~
- ~~9. Biosolids Utilization Sites:
  - ~~a. Sites with biosolids equal to four (4) dry tons per acre per year One Hundred  
Fifty (\$150.00). plus Ten Dollars (\$10.00) per acre resulting in a total fee not to  
exceed Five Hundred (\$500.00)~~
  - ~~b. Sites with biosolids application rates less than four (4) dry tons per acre per year  
One Hundred Fifty Dollars (\$150.00)~~~~

~~10. Storage/Treatment Piles~~

~~a. First Acre One Hundred Dollars (\$100.00)~~

~~b. Each additional acre Fifty Dollars (\$50.00)~~

~~11. Woodwaste Landfills Three Hundred Dollars (\$300.00) plus Ten Dollars (\$10.00) per  
acre, resulting in a total fee not to exceed Five Hundred Dollars (\$500.00)~~

~~12. Surface Impoundments Two Hundred Fifty Dollars (\$250.00)~~

~~13. Moderate Risk Waste Collection and Storage Facility Two Hundred Fifty Dollars  
(\$250.00)~~

~~B. Permit Renewal Fees Applications to renew a permit shall be made on or before  
January 1<sup>st</sup> of each year on forms provided by the Seattle King county Department of  
Public Health. Application for renewal shall be accompanied by a nonrefundable fee,  
as follows;~~

~~1. Municipal and construction land clearing (CDL) landfills One Hundred Fifty  
Dollars (\$150.00)~~

~~2. Inert Landfill One Hundred Fifty Dollars (\$150.00)~~

~~3. Solid Waste Incineration and energy Recovery One Hundred Fifty Dollars  
(\$150.00)~~

~~4. Composting Four Hundred Seventy Five dollars (\$475.00)~~

~~5. Transfer Station Two Thousand Dollars (\$2,000.00)~~

~~6. Recycling~~

~~a. Noncontainerized composting piles~~



~~First acre One Hundred dollars (\$100.00)~~

~~Each additional site Fifteen Dollars (\$15.00)~~

~~d. Waste Pile Recycling One Hundred dollars (\$100.00)~~

~~7. Closed Landfill Site Three Thousand Dollars (\$3,000.00)~~

~~8. Drop Box Seventy Five Dollars (\$75.00)~~

~~9. Landspreading (land utilization of biosolids):~~

~~e. Sites with biosolids equal to four (4) dry tons per acre per year One Hundred  
Fifty (\$150.00). Sites with biosolids application rates less than four (4) dry tons  
per acre per year One Hundred Fifty Dollars (\$150.00)~~

~~10) Special Purpose Facility One Hundred Dollars (\$100.00)~~

~~11) Storage/Treatment Piles One Hundred Dollars (\$100.00)~~

~~12) Woodwaste Landfills Two Hundred Fifty dollars (\$250.00)~~

~~13) Surface Impoundments Two Hundred Fifty Dollars (\$250.00)~~

~~14) Solid Waste Treatment Site Two Hundred fifty Dollars (\$250.00)~~

~~15) Biomedical waste storage/treatment site Two Hundred Fifty Dollars (\$250.00)~~

**~~21.44.060 Collection and Transportation Vehicles—Permits.~~**

~~A. Permits Required A permit is required to operate a solid waste  
collection/transportation vehicle. The vehicle owner is responsible for obtaining a permit  
from the Health Officer. Permits shall not be transferable and shall be valid only for the  
person and vehicle for which issued.~~

1 ~~B. Nonduplication. Collection/transportation vehicle owners who have received a vehicle~~  
2 ~~permit from the Health Officer under King County solid waste regulations (Code of King~~  
3 ~~County Board of Health Title 10) do not need to obtain a second permit for the same~~  
4 ~~vehicle.~~

5 ~~C. Permit Application.~~

6  
7 ~~1. The application shall include the applicant's full name, address, and the signature of an~~  
8 ~~authorized representative of the applicant; and shall disclose whether such applicant is an~~  
9 ~~individual, firm, corporation, and, if a partnership, the names and mailing addresses of all~~  
10 ~~the of the partners.~~

11  
12 ~~2. Permit applications shall be submitted in triplicate on forms provided by the Health~~  
13 ~~Officer.~~

14 ~~3. The permit applications shall be accompanied by a fee of Twenty-seven Dollars~~  
15 ~~(\$27.00) for each vehicle.~~

16 ~~D. Quarterly Permit Fee Payments. In addition to the application fee, every person~~  
17 ~~holding a solid waste collection/transportation vehicle permit shall pay to the Department~~  
18 ~~of the Public Health a permit fee equivalent to Five Dollars and Twenty-four Cents~~  
19 ~~(\$5.24) per month for each customer of such permit holder who is location in The City of~~  
20 ~~Seattle and who is not b billed for solid waste collection services by the City. Effective~~  
21 ~~January 1, 1995, such permit fee shall be equivalent to Six Dollars and Seventy-seven~~  
22 ~~Cents (\$6.77) per month for each customer of such permits holder who is located in The~~  
23 ~~City of Seattle and who is not billed for solid waste collection services by the City. All~~  
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1 ~~payments pursuant to this subsection D shall be remitted to the Department of Public~~  
2 ~~Health on a quarterly basis for purposes of implementing the Local Hazardous Waste~~  
3 ~~Management Plan.~~

4 ~~E. Expiration. Permits shall expire on June 30th next following date of issuance.~~

5 **~~21.44.065 Collection and transportation vehicles—Operation.~~**

6  
7 ~~A. All persons collecting or transporting solid waste shall avoid littering, creating of other~~  
8 ~~nuisances at the loading point, during the transport and unloading of the solid waste at a~~  
9 ~~permitted transfer station or other permitted solid waste handling site.~~

10 ~~B. Vehicles or containers used for the collection and transportation of solid waste, except~~  
11 ~~infectious waste, shall be durable and of easily cleanable construction, and shall be tightly~~  
12 ~~covered or screened where littering may occur. Where garbage is being collected or~~  
13 ~~transported, containers shall be cleaned and kept in good repair as necessary to prevent~~  
14 ~~nuisances, odors and insect breeding.~~

15  
16 ~~C. Vehicles or containers used for the collection and transportation of any solid waste,~~  
17 ~~except infectious waste, shall be loaded and moved in such a manner that the contents~~  
18 ~~will not fail, leak in quantities to cause a nuisance, or spill there from. Where such~~  
19 ~~spillage or leakage does occur, the waste shall be picked up immediately by the collector~~  
20 ~~or transporter and returned to the vehicle or container and the area otherwise properly~~  
21 ~~cleaned.~~

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24 ~~D. All persons commercially collecting or transporting solid waste shall inspect collection~~  
25 ~~and transportation vehicles monthly for repairs to containers such as missing or loose~~  
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1 fitting covers or screens, leaking containers, etc., and maintain such inspection records at  
2 the facility normally used to park such vehicles or other location that maintenance records  
3 are kept. Such records shall be kept for a period of at least two (2) years, and be made  
4 available upon the request of the Health Officer.

5 E. The Health Officer may require disinfection of any vehicle. Vehicles shall be cleaned  
6 frequently to prevent rodent/vector nuisances. All wastewater from vehicle cleaning shall  
7 be disposed of in a sanitary sewer system unless otherwise authorized by the Health Officer.

8 **21.44.070 Special inspections-- Plan reexamination.**

9 Fees for inspection service request by the solid waste disposal site or  
10 collection/transportation vehicle management, to be performed outside regular  
11 departmental working hours, will be charged at a rate equal to the cost of performing the  
12 service. When plans and specifications that have been examined are altered and  
13 resubmitted, an additional fee for the reexamination of such plans shall be assessed at the  
14 cost of plan review prevailing at the time of resubmitted.

15 **21.44.080 Special services.**

16 A. Authority. The Health Officer is also authorized to charge such fees as he/she may  
17 deem necessary for the furnishing of special services or materials requested that are not  
18 ordinarily provided under permit or pursuant to statute. Such services and materials to be  
19 furnished may include but are not limited to the following:

- 20 1. Reproduction and/or search of records and documents;  
21 2. Examination, testing, or inspection of particular products, materials, construction,  
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1 equipment, or appliances to determine their compliance with the provisions of this  
2 chapter or their acceptability for use.

3 ~~B. Terms and Conditions. The health Officer or his/her authorized representative shall~~  
4 ~~have full authority to specify the terms and conditions upon which such services and~~  
5 ~~materials shall be made available, consistent with any applicable statutes and ordinances;~~  
6 ~~provided, that any fees imposed pursuant to this authorization shall be reasonably~~  
7 ~~equivalent to the Seattle King County Health Department's cost for furnishing such~~  
8 ~~services and materials.~~

10 ~~—21.44.090 Violation—Penalty.~~

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12 ~~A. Authority. The Seattle King County Health Officer is authorized to enforce the~~  
13 ~~provisions of this chapter.~~

14 ~~B. Criminal Penalty. In addition to or as an alternative to any other judicial or~~  
15 ~~administrative remedy provided herein or by law or other provision of this Code, any~~  
16 ~~person who willfully or knowingly violates any provision of this chapter, or any order~~  
17 ~~issued pursuant to this chapter, or by each act of commission or omission procures, aids~~  
18 ~~or abets such violation, shall be guilty of a crime subject to the provisions of Chapter~~  
19 ~~12A.02 or 12A.04 of this Code (Seattle Criminal Code), and any person convicted thereof~~  
20 ~~may be punished by a criminal fine or forfeiture not to exceed Two Thousand Dollars~~  
21 ~~(\$2000), or by a term of confinement not to be longer than six (6) months. Each day's~~  
22 ~~violation shall constitute a separate offense.~~

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25 ~~C. Civil Penalty. In addition to or as an alternative to any other judicial or administrative~~  
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1 ~~remedy provided herein or by law or other provision of this Code, any person who~~  
2 ~~violates any provision of this chapter, or any order issued pursuant to this chapter, or by~~  
3 ~~each act of commission or omission procures, aids or abets such violation, shall be~~  
4 ~~subject o a civil penalty. The penalty for the first violation shall be Two Hundred Fifty~~  
5 ~~Dollars (\$250). The penalty for the second separate violation by the same person in any~~  
6 ~~five (5) year period shall be Five Hundred Dollars \$500), and for each subsequent~~  
7 ~~violation by the same person in any five (5) year period the penalty shall be Seven~~  
8 ~~Hundred Fifty Dollars (\$750).~~

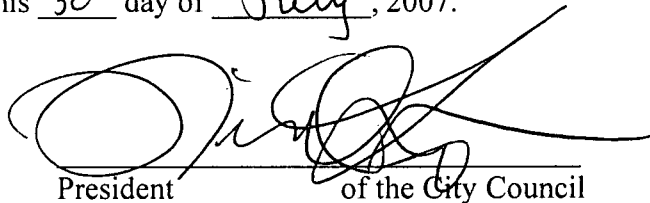
10 ~~D. Administrative Order. In addition to or as an alternative to any other judicial or~~  
11 ~~administrative remedy provided therein or by law or other provision of this Code, the~~  
12 ~~Health Officer may order a violation of this chapter to be abated. The Health Officer may~~  
13 ~~order any person who creates or maintains a violation of this chapter, or any order issued~~  
14 ~~pursuant this chapter, to commence corrective work and to complete the work within such~~  
15 ~~time as the Health Officer determines reasonable le under the circumstances. If the~~  
16 ~~required corrective work is not commenced or completed within the time specified, the~~  
17 ~~Health Officer may proceed to abate the violation and cause the work to be done. She/he~~  
18 ~~will charge the cost thereof as a lien against the property and as both a joint and separate~~  
19 ~~personal obligation of any person who is in violation.~~

22 ~~E. 1. Notwithstanding the existence or cause of any other remedy, the Health Officer may~~  
23 ~~seek legal or equitable relief to enjoin any acts or practices or abate any conditions which~~  
24 ~~constitute or will constitute a violation of any provision of this chapter.~~

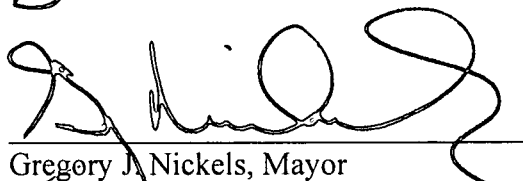
~~2. Any person aggrieved by an order issued pursuant to this subsection may appeal  
such order by filing a written appeal with the Hearing Examiner within ten (10) days of  
the service of such order, pursuant to Chapter 3.02 of this Code.))~~

**Section 11.** This ordinance shall take effect and be in force thirty (30) days from and  
after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10)  
days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

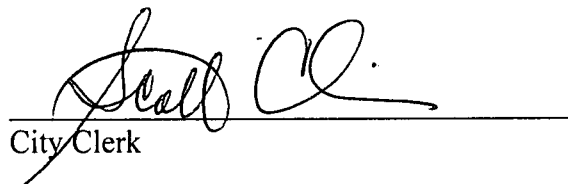
Passed by the City Council the 30<sup>th</sup> day of July, 2007, and signed by me in open  
session in authentication of its passage this 30<sup>th</sup> day of July, 2007.

  
\_\_\_\_\_  
President \_\_\_\_\_ of the City Council

Approved by me this 3<sup>rd</sup> day of August, 2007.

  
\_\_\_\_\_  
Gregory J. Nickels, Mayor

Filed by me this 6<sup>th</sup> day of August, 2007.

  
\_\_\_\_\_  
City Clerk

(Seal)

## **FISCAL NOTE FOR NON-CAPITAL PROJECTS**

<b>Department:</b>	<b>Contact Person/Phone:</b>	<b>DOF Analyst/Phone:</b>
Seattle Public Utilities	Gabriella Uhlar-Heffner 386-9772	John McCoy 615-0768

**Legislation Title:** AN ORDINANCE relating to the regulation of solid waste; amending and repealing sections of Chapters 21.36 and 21.44 of the Seattle Municipal Code.

- **Summary of the Legislation:** The proposed ordinance updates the Seattle Municipal Code (SMC) for consistency with the Seattle-King County Board of Health's (BOH) Title 10 Solid Waste Regulations. It repeals those portions of the old Seattle Health Code (pertaining to Waste Screening, Incineration and Energy Recovery, Commercial Composting Facilities, Abandoned Landfills as well as Standards for Solid Waste Handling) which remain in the solid waste sections of the Seattle Municipal Code and are outdated. It also amends sections of the SMC, which pertain to the collection, storage and transportation of yard waste as agreed to in discussions with the Health Department in 2004. Finally, the ordinance adds a new definition pertaining to "Beneficial Use" and amends several existing SMC solid waste definitions pertaining to "City's Waste", "Composting", "Construction, Demolition and Landclearing Waste", "Energy Recovery" and "Solid Waste" for consistency with either BOH Title 10 definitions or with future solid waste collection contract definitions. SPU is bidding out new collection contracts for garbage, recycling and yardwaste as well as construction and demolition wastes in 2007 for new services to be in place in April 2009. These definitions have direct relevance to those new contracts.
- **Background:** The Seattle-King County Board of Health was created by King County Council in 1996 by the Metropolitan King County Council in response to a state law, RCW 70.05.035, which required that the County have a single Board of Health. Previously the Metropolitan King County Council served as the Board of Health for King County and the Seattle City Council served as the Board of Health for Seattle. The new Board of Health has membership from the King County Council, the Seattle City Council, elected officials from the suburban cities of King County and health professionals. The functions of the Board are to set county-wide public health policy, enact and enforce local public health regulations (as solid waste facility permitting) and carry out other duties of local boards of health as specified in state law.

Extensive Law Department and agency (Seattle and King County) discussion took place between 1997-1999 regarding the merger of the Seattle Health Code with the Code of the King County Board of Health after the establishment of one combined

Board of Health. Certain sections of the old Seattle Health Code pertaining to topics as septage, meat sales, and immunization fees were repealed by action of the King County Board of Health and merged into the Board of Health Code. Attention to Code Merger was renewed in 2003 to focus on solid waste after the State Department of Ecology adopted new Solid Waste Handling Standards, Washington Administrative code (WAC) Chapter 173-350. Local Health jurisdictions were required to adopt these standards. In 2004, the Board of Health, after an extensive stakeholder review process (including the City of Seattle) adopted the State's new Solid Waste Handling Standards in their entirety and made changes to its own existing code provisions for solid waste management which included references to areas where the Seattle Municipal Code had authority.

The proposed ordinance also prohibits yardwaste from being setout at the curb in plastic bags and bagged yardwaste from being deposited in the transfer station yardwaste collection areas or transfer trailers. Both of these prohibitions make long-standing practices into law. Residential yard debris collection companies in King County (outside of Seattle) are not to collect yard debris that has been stored in plastic bags since decomposing grass clippings in sealed plastic bags are a major contributor odor problems at composting facilities. Composting facilities in King County are forbidden from accepting yard waste in plastic bags. The City's curbside collection contracts do not allow the contractors to pick up yardwaste in plastic bags. City educational materials have long instructed residents not to use plastic bags for the curbside program or to deposit yardwaste in plastic bags at the separate City transfer station collection sites.

This ordinance updates the solid waste portions of the Seattle Municipal Code with 2004 Board of Health Title 10 revisions. Certain definitions have been included in the ordinance which are necessary to either add or amend due to their importance to future collection contracts as well as SPU's 2008-2010 comprehensive solid waste management planning process.

*Please check one of the following:*

- x   **This legislation does not have any financial implications.** *(Stop here and delete the remainder of this document prior to saving and printing.)*



# City of Seattle

Gregory J. Nickels, Mayor

## Office of the Mayor

July 3, 2007

Honorable Nick Licata  
President  
Seattle City Council  
City Hall, 2<sup>nd</sup> Floor

Dear Council President Licata:

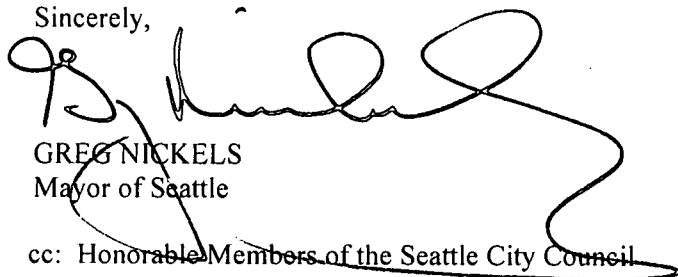
I am pleased to transmit the attached proposed Council Bill that aligns the Seattle Municipal Code regulations on solid waste handling so its provisions are consistent with county and state regulations.

The proposed Bill repeals parts of the old Seattle Health Code that have been superceded by the King County Board of Health Title 10 regulations, which includes Washington State's 2003 Solid Waste Handling Standards. The proposed legislation also updates the definitions of various types of solid waste, and recycling and beneficial uses.

Passage of this Bill will provide clarity and certainty to Seattle Public Utilities and its potential contractors in upcoming collection contract bidding, and in solid waste management and planning.

If you have any questions regarding this proposed legislation, please contact Timothy Croll at 684-7934. Thank you for your consideration of this legislation.

Sincerely,



GREG NICKELS  
Mayor of Seattle

cc: Honorable Members of the Seattle City Council



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**STATE OF WASHINGTON – KING COUNTY**

--SS.

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214301  
CITY OF SEATTLE, CLERKS OFFICE

No.

**Affidavit of Publication**

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12<sup>th</sup> day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

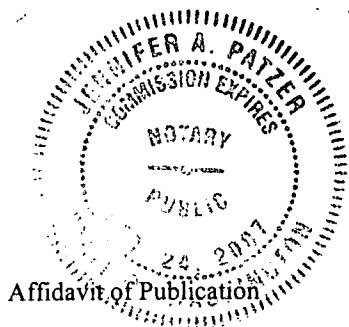
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

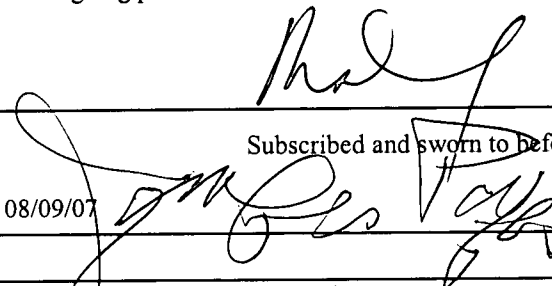
CT:122446 ORDINANCE

was published on

08/09/07

The amount of the fee charged for the foregoing publication is the sum of \$1,004.40, which amount has been paid in full.



  
Subscribed and sworn to before me on  
08/09/07  
Notary public for the State of Washington,  
residing in Seattle

# City of Seattle

## ORDINANCE 122446

AN ORDINANCE relating to the regulation of solid waste; amending and repealing sections of Chapters 21.36 and 21.44 of the Seattle Municipal Code.

WHEREAS, the Seattle-King County Board of Health and Title 10 of the Board's Health Code govern certain solid waste activities in Seattle and King County; and

WHEREAS, the State Department of Ecology adopted new Solid Waste Handling Standards in 2003, Washington Administrative Code (WAC) Chapter 173-350, and the Seattle-King County Board of Health approved changes to its Solid Waste Regulations in November 2004, Title 10 of

the Board of Health Code, adopting WAC Chapter 173-350 in its entirety; and

WHEREAS the City of Seattle desires to amend the Seattle Municipal Code so that its provisions governing solid waste are consistent with Title 10 of the Seattle-King County Board of Health Code, as revised, and WAC Chapter 173-350; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 21.36.010 of the Seattle Municipal Code is amended as follows:

### 21.36.010 Definitions A - B

\*\*\*\*\*

9. "Beneficial Use" means the use of solid waste as an ingredient in a manufacturing process, or as an effective substitute for natural or commercial products in a manner that does not pose a threat to human health or the environment. Avoidance of processing or disposal cost alone does not constitute beneficial use. In accordance with the City's Administrative Code, Seattle Municipal Code Chapter 3.02, and Seattle Municipal Code Section 3.32.020, the Director of Seattle Public Utilities shall adopt rules designating those uses of solid waste that constitute beneficial use.

((9)) 10. "Boarding or rooming house" means a building other than a hotel, where meals and room, or rooms only, are provided for compensation for nine (9) or more non-transient persons.

((10)) 11. "Bulky waste" means cartons, boxes, crates, or other MSW materials set out for disposal as overflow to a customer's regular can, cart or detachable collection service.

((11)) 12. "Bundle" means one (1) box or carton empty or filled with solid waste, one (1) bag filled with solid waste, or bundle of solid waste, securely bundled so that none of the material blows about and so it is not easily broken apart and which is of such size that the longest dimension does not exceed three (3) feet, the volume does not exceed six (6) cubic feet and the total weight does not exceed sixty (60) pounds, and is in good condition for handling at the time of collection. The box, bag or carton, if present, must be disposable.

((12)) 13. "Bundle-of-yardwaste" means "yardwaste" defined in Section 21.36.016 that is placed in a container or securely tied so that none of the material blows away or falls out upon lifting and so that it is not easily broken apart. Its longest dimension may not exceed four (4) feet in length; its diameter may not be over two (2) feet; and its weight may not exceed sixty (60) pounds.

Section 2. Section 21.36.012 of the Seattle Municipal Code is amended as follows:

### 21.36.012 Definitions C - E

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5. "City's Waste" means all residential and non residential solid waste generated within the City, excluding Unacceptable Waste, Special Waste, and materials destined for recycling or beneficial use, which materials shall contain no more than ten percent non-recyclable or non-beneficially used material, by volume. City's waste includes all such waste, regardless of which private or public entity collects or transports the waste. City's Waste includes all waste remaining after recycling or beneficial use.

\*\*\*\*\*

12. "Composting" means the ((controlled degradation of organic waste yielding a product for use as a soil conditioner)) biological degradation and transformation of organic solid waste under controlled conditions designed to promote aerobic decomposition. Natural decay of organic solid waste under uncontrolled conditions is not composting.

## State of Washington, King County

13. "Construction, Demolition and Landclearing Waste" or "CDL Waste" means ((waste comprised primarily of the following materials)) any combination of recyclable or nonrecyclable construction, demolition and landclearing waste that results from construction, remodeling, repair or demolition of buildings, roads or other structures, or from landclearing for development, and requires removal from the site of construction, demolition or landclearing.

a. Construction waste: (waste from building construction such as scraps of wood, concrete, masonry, roofing, siding, structural metal, wire, fiberglass, insulation, other building materials, plastics, styrofoam, twine, baling and strapping materials, cans and buckets, and other packaging materials and containers) means wood, concrete, drywall, masonry, roofing, siding, structural metal, wire insulation and other building material; and plastics, styrofoam, twine, baling and strapping materials, cans, buckets, and other packaging materials and containers. It also includes sand, rocks and dirt that are used in construction. In no event shall construction waste include dangerous or extremely hazardous waste of any kind, garbage, sewerage waste, animal carcasses or asbestos.

b. Demolition Waste: ((solid waste, largely inert waste, resulting from the demolition or razing of buildings, roads and other man-made structures. Demolition waste consists of, but is not limited to, concrete, brick, bituminous concrete, wood and masonry, composition roofing and roofing paper, steel, and minor amounts of metals like copper. Plaster (i.e. sheet rock or plaster board) or any other material, other than wood, that is likely to produce gases or leachate during its decomposition process and asbestos wastes are not considered to be demolition wastes)) means concrete, drywall, asphalt, wood, masonry, roofing (including composition roofing), siding, structural metal, wire insulation and other materials found in demolished buildings, roads and other structures. It also includes sand, rocks and dirt that result from demolition. In no event shall demolition waste include dangerous or extremely hazardous waste, liquid waste, garbage, sewerage waste, animal carcasses or asbestos.

c. Landclearing waste: ((natural vegetation and minerals from clearing and grubbing land for development, such as stumps; brush, blackberry vines, tree branches, tree bark, mud, dirt, sod and rocks)) means natural vegetation and minerals, such as stumps, brush, blackberry vines, tree branches, and associated dirt, sand, tree bark, sod and rocks.

\*\*\*\*\*

25. "Energy Recovery" means ((a process operating under federal and state environmental laws and regulations for converting solid waste into usable energy and for reducing the volume of solid waste)) the recovery of energy in a useable form from mass burning or refuse-derived fuel incineration, pyrolysis or any other means of using the heat of combustion of solid waste that involves high temperature (above twelve hundred degrees Fahrenheit) processing.

Section 3. Section 21.36.016 of the Seattle Municipal Code is amended as follows:

### 21.36.016 Definitions R - Z

\*\*\*\*\*

12. "Solid Waste" means all putrescible and nonputrescible solid and semisolid waste, including but not limited to garbage, rubbish, yardwaste, ashes, industrial wastes, infectious wastes, swill, ((demolition and construction wastes)) construction, demolition and landclearing waste, abandoned vehicles or parts thereof, and recyclable materials. This includes all liquid, solid and semisolid materials which are not the primary products of public, private, industrial, commercial, mining and agricultural operations. Solid waste includes but is not limited to sludge from wastewater waste, and problem wastes, (as well as other materials and substances that may in the future be included in the definition of "solid waste" in RCW 70.95.080. Solid waste does not include recyclable materials (including compostable waste) collected from commercial establishments.))

Section 4. Section 21.36.085 of the Seattle Municipal Code is amended by adding a new Subsection C as follows:

### 21.36.085 Yardwaste Programs

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C. Plastic Bags and Yardwaste. Yardwaste shall not be set out at the curb for collection in plastic bags nor shall plastic bags containing yardwaste be deposited in transfer station yardwaste collection areas or transfer trailers.

Section 5. Section 21.36.096 of the Seattle Municipal Code is repealed as follows: ((21.36.096 Waste Screening

A-Dangerous Waste-The Health Officer may screen any wastes that are being disposed and that are suspected of being a regulated dangerous waste. The screening process may involve certified testing, a disclosure of the waste constituents and waste generation process, and other additional information. If the Health Officer determines that the waste is not a regulated dangerous waste but still poses a significant threat to the public health, safety or the environment, he/she may direct the generator or transporter to dispose of the waste at a specific type of disposal site. If the Health Officer determines that the waste is a regulated dangerous waste, he/she shall notify the Department of Ecology which shall have full jurisdiction regarding handling and disposal. The Dangerous Waste Regulations, WAC 173-080, shall be considered when screening and making waste determinations.

B-Disposal Sites-If during inspections of waste the Health Officer observes waste suspected of being regulated dangerous waste because of physical properties of the waste; he/she shall have the authority to require the site operator to segregate the and hold any such waste. If the Health Officer determines that testing is required to identify the waste, the generator shall be responsible for such analysis, and if the generator is not known, the site operator shall be responsible for funding such analysis. The disposal site operator and/or attendants shall have similar authority not to accept suspect wastes.

G-Procedures-When such wastes are identified as being suspect dangerous wastes, the Health Officer may issue a notice for requirement of screening. This notice will specify requirements which must be met to satisfy the screening process and a schedule for compliance.))

Section 6. Section 21.36.180 of the Seattle Municipal Code is repealed as follows:

### ((21.36.180 Incineration and Energy Recovery Facilities

Incineration and energy recovery facilities shall be permitted and managed according to the provisions of the Seattle Municipal Code Chapter 21.44. In addition, the following requirements shall apply:

A-Disposal of Process Water-All water from an incinerator or energy recovery facility shall be discharged into a disposal system approved by the Health Officer and Metro. The treated discharge water shall not violate applicable water quality standards.

B-Pre-Use Inspection and Performance Test-Upon completion of the facility and prior to initial operation, the Health Officer and Puget Sound Pollution Control Agency (PSAPCA) shall be notified. The Health Officer shall inspect the facility both prior to and during the performance tests. A report covering the results of the performance test will all supporting data shall be certified by the design engineer of the project and submitted to the Health Officer.

C-Failure to meet Standards-The Health Officer shall have the authority to close down an incinerator or energy recovery facility that does not meet all applicable federal, state and PSAPCA standards.))

Section 7. Section 21.36.185 of the Seattle Municipal Code is repealed as follows:

### ((21.36.185 Commercial Composting Facilities

Commercial composting facilities shall be permitted and managed according to the provisions of the Seattle Municipal Code Chapter 21.44 for recycling facilities. In addition, the following requirements shall apply:

A-Generators of compost for retail sales shall submit chemical analyses and reports to the Health Officer in sufficient frequency to demonstrate that the resulting product does not contain levels of chemicals or pathogens that could create a risk to the public health.

B-If levels of chemicals or pathogens are found which could create a risk to the public health, the Health Officer may prohibit or restrict use of the product. Written notices shall be provided to the compost user of any restrictions imposed.

C-Generators of sewage sludge compost must follow the methods and procedures established in the Best Management Practices for Use of Municipal Sewage Sludge, developed by the Washington State Department of Ecology.

D-Odorless material such as spoiled foods, blood and slaughterhouse wastes shall be immediately processed to prevent odors.

E-The composted material shall contain no sharp particles which would cause injury to persons handling the compost.))

Section 8. Section 21.36.190 of the Seattle Municipal Code is repealed as follows:

### ((21.36.190 Abandoned Landfills

A-All abandoned landfills shall be maintained by the owner and/or operator so as not to create a risk to the public health. The Health Officer shall have the authority to perform methane monitoring, surface water, groundwater and leachate monitoring, and to monitor for any other environmental conditions at abandoned landfills.

B-The Health Officer may order the owner and/or operator to perform monitoring or any remedial measures necessary to protect the public health and the environment. Any person aggrieved by any order issued under this section may appeal the order to the Seattle Board of Health, by requesting in writing an appeal hearing before the Board of Health, or its designee. The request shall be filed within ten (10) days of the service of the order, and shall briefly state the reasons for the appeal. Enforcement of the order shall be stayed during the pendency of the appeal.))

Section 9. Section 21.44.010 of the Seattle Municipal Code is amended as follows:

#### 21.44.010 Standards for Solid Waste Handling

All solid waste handling activities in the City of Seattle that are regulated by (shall comply with the State Minimum Functional Standards for Solid Waste Handling, WAC 178-004 (as promulgated through May, 1989), which is hereby adopted by reference.) Title 10 of the Board of Health Code, adopted by the Seattle-King County Board of Health, as may hereafter be amended, shall comply with that Code and be subject to its associated enforcement provisions.

Section 10. Sections 21.44.020 through 21.44.090 of the Seattle Municipal Code are repealed as follows:

#### (21.44.020 Permits Required

In accordance with RCW Chapter 70.06, and WAC 178-004-000, a permit is required for all solid waste handling facilities subject to the requirements of WAC 178-004-100, and 178-004-400. The owner or operator of the solid waste handling facility is responsible for obtaining the permit, which must be renewed annually, from the Seattle-King County Department of Public Health. Applications for a permit must contain all the information set forth in WAC 178-004-000 (b).

#### 21.44.030 Nonconforming facilities

A nonconforming permit may be issued for solid waste handling facilities existing on or before November 27, 1985, which do not meet all of the pertinent requirements of the State Minimum Functional Standards for Solid Waste Handling, but which will be upgraded to meet such requirements according to a compliance schedule approved by the Health Officer, provided that the compliance schedule shall ensure that these facilities meet the deadlines contained in WAC 178-004-400 (c).

#### 21.44.040 Special Permits

A. If a disposal site and/or operation utilizes a new method of solid waste handling or disposal not otherwise provided for in the State Minimum Functional Standards, a "special purposes facilities" permit may be issued.

B. The Health Officer shall determine which items of the Minimum Functional Standards shall apply to the disposal site on a case by case basis so as to protect the public health and the environment and to avoid the creation of nuisances. The terms and conditions of the special permit shall be itemized in writing by the Health Officer.

#### 21.44.050 Fees

A. Permit application/Plan Review Fees: Permit applications to maintain, operate, alter, expand or improve a solid waste handling facility in the City, shall be made on forms provided by the Seattle-King County Department of Public Health, and shall be accompanied by a nonrefundable fee, as follows:

##### 1. Municipal and construction;

1. Municipal and construction land clearing (CBL) landfills Six Hundred Dollars (\$600.00); plus Ten Dollars (\$10.00) for each acre of landfill site, resulting in a total fee not to exceed One Thousand Dollars (\$1,000.00).

2. Inert Landfill Two Hundred Dollars (\$200.00)

3. Energy Recovery and Incineration Five Hundred Fifty Dollars (\$550.00)

##### 4. Recycling Commercial

a. Noncontainerized Composting One Hundred Dollars (\$100.00) plus Fifteen Dollars (\$15) per acre, resulting in a fee not to exceed One Thousand Dollars (\$1,000.00);

b. Waste Pile Recycling Two Hundred Dollars (\$200.00)

c. Solid Waste Treatment site One Hundred Dollars (\$100.00)

5. Transfer Station Two Hundred Twenty Dollars (\$220.00)

6. Special Purpose Facility Three Hundred Dollars (\$300.00)

7. Closed Landfill, plan review Five Hundred Fifty Dollars (\$550.00)

8. Drop Box One Hundred Ten Dollars (\$110.00)

##### 9. Biosolids Utilization Sites:

a. Sites with biosolids equal to four (4) dry tons per acre per year One Hundred Fifty Dollars (\$150.00); plus Ten Dollars (\$10.00) per acre resulting in a total fee not to exceed Five Hundred (\$500.00)

b. Sites with biosolids application rates less than four (4) dry tons per acre per year One Hundred Fifty Dollars (\$150.00)

##### 10. Storage/Treatment Piles

a. First Acre One Hundred Dollars (\$100.00)

b. Each additional acre Fifty Dollars (\$50.00)

11. Woodwaste Landfills Three Hundred Dollars (\$300.00) plus Ten Dollars (\$10.00) per acre, resulting in a total fee not to exceed Five Hundred Dollars (\$500.00)

12. Surface Impoundments Two Hundred Fifty Dollars (\$250.00)

13. Moderate Risk Waste Collection and Storage Facility Two Hundred Fifty Dollars (\$250.00)

B. Permit Renewal Fees Applications to renew a permit shall be made on or before January 1st of each year on forms provided by the Seattle-King County Department of Public Health. Application for renewal shall be accompanied by a nonrefundable fee, as follows:

1. Municipal and construction land clearing (CBL) landfills One Hundred Fifty Dollars (\$150.00)

2. Inert Landfill One Hundred Fifty Dollars (\$150.00)

3. Solid Waste Incineration and energy Recovery One Hundred Fifty Dollars (\$150.00)

4. Composting Four Hundred Seventy Five Dollars (\$475.00)

5. Transfer Station Two Thousand Dollars (\$2,000.00)

6. Recycling

a. Noncontainerized composting piles

First acre One Hundred Dollars (\$100.00)

Each additional site Fifteen Dollars (\$15.00)

d. Waste Pile Recycling One Hundred Dollars (\$100.00)

7. Closed Landfill Site Three Thousand Dollars (\$3,000.00)

8. Drop Box Seventy Five Dollars (\$75.00)

9. Landspreading (land utilization of biosolids):

c. Sites with biosolids equal to four (4) dry tons per acre per year One Hundred Fifty Dollars (\$150.00); Sites with biosolids application rates less than four (4) dry tons per acre per year One Hundred Fifty Dollars (\$150.00)

10. Special Purpose Facility One Hundred Dollars (\$100.00)

11. Storage/Treatment Piles One Hundred Dollars (\$100.00)

12. Woodwaste Landfills Two Hundred Fifty Dollars (\$250.00)

13. Surface Impoundments Two Hundred Fifty Dollars (\$250.00)

14. Solid Waste Treatment Site Two Hundred Fifty Dollars (\$250.00)

15. Biomedical waste storage/treatment site Two Hundred Fifty Dollars (\$250.00)

21.44.060 Collection and Transportation Vehicles--Permits:

A. Permits Required A permit is required to operate a solid waste collection/transportation vehicle. The vehicle owner is responsible for obtaining a permit from the Health Officer. Permits shall not be transferable and shall be valid only for the person and vehicle for which issued.

B. Nonduplication. Collection/transportation vehicle owners who have received a vehicle permit from the Health Officer under King County solid waste regulations (Code of King County Board of Health Title 10) do not need to obtain a second permit for the same vehicle.

C. Permit Application:

1. The application shall include the applicant's full name, address, and the signature of an authorized representative of the applicant; and shall disclose whether such applicant is an individual, firm, corporation, and, if a partnership, the names and mailing addresses of all of the partners;

2. Permit applications shall be submitted in triplicate on forms provided by the Health Officer;

3. The permit applications shall be accompanied by a fee of Twenty-seven Dollars (\$27.00) for each vehicle.

D. Quarterly Permit Fee Payments. In addition to the application fee, every person holding a solid waste collection/transportation vehicle permit shall pay to the Department of the Public Health a permit fee equivalent to Five Dollars and Twenty-four Cents (\$5.24) per month for each customer of such permit holder who is located in The City of Seattle and who is not billed for solid waste collection services by the City. Effective January 1, 1995, such permit fee shall be equivalent to Six Dollars and Seventy-seven Cents (\$6.77) per month for each customer of such permits holder who is located in The City of Seattle and who is not billed for solid waste collection services by the City. All payments pursuant to this subsection D shall be remitted to the Department of Public Health on a quarterly basis for purposes of implementing the Local Hazardous Waste Management Plan.

E. Expiration. Permits shall expire on June 30th next following date of issuance:

#### 21.44.065 Collection and transportation vehicles--Operation:

A. All persons collecting or transporting solid waste shall avoid littering, creating of other nuisances at the loading point, during the transport and unloading of the solid waste at a permitted transfer station or other permitted solid waste handling site.

B. Vehicles or containers used for the collection and transportation of solid waste, except infectious waste, shall be durable and of easily cleanable construction, and shall be tightly covered or screened where littering may occur. Where garbage is being collected or transported, containers shall be cleaned and kept in good repair as necessary to prevent nuisances, odors and insect breeding.

C. Vehicles or containers used for the collection and transportation of any solid waste, except infectious waste, shall be loaded and moved in such a manner that the contents will not fall, leak in quantities to cause a nuisance, or spill therefrom. Where such spillage or leakage does occur, the waste shall be picked up immediately by the collector or transporter and returned to the vehicle or container and the area otherwise properly cleaned.

D. All persons commercially collecting or transporting solid waste shall inspect collection and transportation vehicles monthly for repairs to containers such as missing or loose fitting covers or screens, leaking containers, etc., and maintain such inspection records at the facility normally used to park such vehicles or other location that maintenance records are kept. Such records shall be kept for a period of at least two (2) years, and be made available upon the request of the Health Officer.

E. The Health Officer may require disinfection of any vehicle. Vehicles shall be cleaned frequently to prevent rodent/vector nuisances. All wastewater from vehicle cleaning shall be disposed of in a sanitary sewer system unless otherwise authorized by the Health Officer.

#### 21.44.070 Special inspections--Plan reexamination:

Fees for inspection service request by the solid waste disposal site or collection/transportation vehicle management, to be performed outside regular departmental working hours, will be charged at a rate equal to the cost of performing the service. When plans and specifications that have been examined are altered and resubmitted, an additional fee for the reexamination of such plans shall be assessed at the cost of plan review prevailing at the time of resubmission.

#### 21.44.080 Special services:

A. Authority. The Health Officer is also authorized to charge such fees as he/she may deem necessary for the furnishing of special services or materials requested that are not ordinarily provided under permit or pursuant to statute. Such services and materials to be furnished may include but are not limited to the following:

1. Reproduction and/or search of records and documents;

2. Examination, testing, or inspection of particular products, materials, construction,

THESE RECORDS ARE NOT TO BE USED FOR ANY OTHER PURPOSE

ON 08/09/2007

SAID W. COX DONATION

IRON PIPE MARKING THE

DIAMETER PLUGGED

OF 80.23 FEET TO A 2 INCH

B. Criminal Penalty. In addition to or as an alternative to any other judicial or administrative remedy provided herein or by law or other provision of this Code, any person who willfully or knowingly violates any provision of this chapter, or any order issued pursuant to this chapter, or by each act of commission or omission procures, aids or abets such violation, shall be guilty of a crime subject to the provisions of Chapter 12A.02 or 12A.04 of this Code (Seattle Criminal Code), and any person convicted thereof may be punished by a criminal fine or forfeiture not to exceed Two Thousand Dollars (\$2000), or by a term of confinement not to be longer than six (6) months. Each day's violation shall constitute a separate offense.

C. Civil Penalty. In addition to or as an alternative to any other judicial or administrative remedy provided herein or by law or other provision of this Code, any person who violates any provision of this chapter, or any order issued pursuant to this chapter, or by each act of commission or omission procures, aids or abets such violation, shall be subject to a civil penalty. The penalty for the first violation shall be Two Hundred Fifty Dollars (\$250). The penalty for the second separate violation by the same person in any five (5) year period shall be Five Hundred Dollars (\$500); and for each subsequent violation by the same person in any five (5) year period the penalty shall be Seven Hundred Fifty Dollars (\$750).

D. Administrative Order. In addition to or as an alternative to any other judicial or administrative remedy provided therein or by law or other provision of this Code, the Health Officer may order a violation of this chapter to be abated. The Health Officer may order any person who creates or maintains a violation of this chapter, or any order issued pursuant to this chapter, to commence corrective work and to complete the work within such time as the Health Officer determines reasonable under the circumstances. If the required corrective work is not commenced or completed within the time specified, the Health Officer may proceed to abate the violation and cause the work to be done. She/he will charge the cost thereof as a lien against the property and as both a joint and separate personal obligation of any person who is in violation.

E. 1. Notwithstanding the existence or cause of any other remedy, the Health Officer may seek legal or equitable relief to enjoin any acts or practices or abate any conditions which constitute or will constitute a violation of any provision of this chapter.

2. Any person aggrieved by an order issued pursuant to this subsection may appeal such order by filing a written appeal with the Hearing Examiner within ten (10) days of the service of such order, pursuant to Chapter 8.02 of this Code.)

Section 11. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the 30th day of July, 2007, and signed by me in open session in authentication of its passage this 30th day of July, 2007.

Nick Licata

President of the City Council

Approved by me this 3rd day of August, 2007.

Gregory J. Nickels, Mayor

Filed by me this 6th day of August, 2007.

(Seal) Judith Pippin

City Clerk

Publication ordered by JUDITH PIPPIN,

City Clerk  
Date of publication in the Seattle Daily Journal of Commerce, August 9, 2007.

8/9(214301)